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Assembly California Legislature

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April 9, 2008

The Honorable Sam Farr
1221 Longworth House Office Building
Washington, DC 20515

Dear Sam,

I appreciate our conversation last week concerning the United States Department of Agriculture (USDA) and the California Department of Food & Agriculture's (CDFA) program to eradicate the Light Brown Apple Moth (LBAM). I also appreciate your offer to raise the following questions about LBAM's original classification and related questions with the USDA:

1. What is the process for "blacklisting"¹ an invasive pest like LBAM?
2. What are the specific regulatory hurdles² for a pest to be included on the blacklist?
3. Has a blacklisted (insect) pest ever been reclassified? If so, which pest(s) and what were the circumstances?
4. When was LBAM blacklisted by the USDA?
5. Can USDA produce the original documents/peer-reviewed studies that were relied upon to place LBAM on the blacklist?

¹ According to an 11/2002 Congressional Research Service (CRS) Background Report to Congress on Invasive Species, "'black listed' pests have already been shown to be harmful (anything not on the list is allowed) in contrast to the 'white list' (anything not on the list is excluded). The black list can be prepared in various ways, but is usually made up of species already shown to cause serious damage to fisheries, endangered species, or (especially) agriculture.

(Source: <http://www.nationalaglawcenter.org/assets/crs/RL30123.pdf>, p. 5)

² According to an 11/2002 CRS Background Report to Congress on Invasive Species, "...the current 'black list' approach requires significant regulatory hurdles before a species can be included."

(Source: <http://www.nationalaglawcenter.org/assets/crs/RL30123.pdf>, p. 60)

6. Was the United States the first country to blacklist LBAM? If not, please note which countries and when the classifications occurred?
7. In September 2003, the University of Minnesota's Department of Entomology published a "Mini Risk Assessment" on LBAM. Was this study requested by USDA and is it the primary study relied upon to maintain LBAM on the blacklist? If not, what studies provide the basis for LBAM's continued blacklisting?
8. At the time of LBAM's original classification, did USDA conduct a biological assessment³? Is USDA presently conducting a biological assessment of LBAM, as recommended by the USDA-led Technical Working Group⁴ (TWG)? If so, when will the assessment be completed?
9. At the time of LBAM's original classification, did USDA conduct an economic assessment (i.e., a cost-benefit analysis to assess comparative risks of various options for managing LBAM, including managing/containing the pest and eradication)? Is USDA presently conducting an economic assessment of LBAM, as recommended by TWG? If so, when will the assessment be completed?
10. What countries have phytosanitary measures in place for LBAM and when were the measures established?

I have valued our ongoing collaboration on this issue, and look forward to USDA's answers to the above questions in order to respond to doubts raised by many local officials and constituents as to whether the best available science is informing the USDA and CDFA's strategy for handling LBAM.

Sincerely,



JOHN LAIRD, Assemblymember
27th District

JL:cf

³ In June 2007, the TWG recommended both economic and biological assessments be undertaken as soon as possible, but there is no indication these studies are happening or evidence they have ever happened. (Source: http://www.aphis.usda.gov/plant_health/plant_pest_info/lba_moth/downloads/twg-recommendations.pdf)

⁴ The TWG is comprised of five USDA, two New Zealand, one Australian and two University of California-Riverside representatives. The TWG produced a set of recommendations in June 2007. Many recommendations were updated and expanded on in the TWG's January 2008 paper.